

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED
03 MAR 14 AM 9:50

UNITED STATES OF AMERICA,

Plaintiff,

v.

Raul GONZALEZ-Rubacalva,

Defendant

) Magistrate Docket No. **08 MJ 08 10**

) COMPLAINT FOR VIOLATION OF: *MB*

) Title 8, U.S.C., Section 1326
) Deported Alien Found in the
) United States

The undersigned complainant, being duly sworn, states:

On or about **March 13, 2008** within the Southern District of California, defendant, **Raul GONZALEZ-Rubacalva**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.



SIGNATURE OF COMPLAINANT

James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 14th DAY OF March 2008.



Anthony J. Battaglia
UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:**Raul GONZALEZ-Rubacalva****PROBABLE CAUSE STATEMENT**

On March 13, 2008, Border Patrol Agent K, Wies, was conducting line watch in the Imperial Beach Border Patrol Station area of operations. At approximately 3:10 A.M., the west side scope operator advised Agents via service radio that he observed an individual moving north from an area known as the "AmSod Field". The area is approximately four miles west of the San Ysidro, California Port of Entry and approximately one mile north of the United States/Mexico International Boundary.

Agent Wies responded to the area that the scope operator last observed the individual. After a brief search of the surrounding area, he discovered one individual, later identified as the defendant **Raul GONZALEZ-Rubacalva**, concealing himself in brush. Agent Wies identified himself as a United States Border Patrol Agent and conducted an immigration inspection. The defendant freely admitted to being a citizen and national of Mexico, not in possession of any immigration documents that would allow him to legally enter or remain in the United States. Agent Wies arrested the defendant at approximately 3:20 A.M., and arranged for his transport to the Imperial Beach Border Patrol Station for processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to Mexico on **January 6, 2003** through **San Ysidro, California**. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

The defendant was advised of his Miranda Rights and he stated that he understood and was willing to answer questions without an attorney present. The defendant freely admitted that he was a citizen and national of Mexico not in possession of documents permitting him to enter and/or remain in the United States legally. He further stated that he had not requested permission to re-enter the United States. The defendant also stated his intended destination was San Fernando Valley California.